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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DONALD GATHRIGHT,

No. CIV S-02-1833-DFL-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 T.L. ROSARIO, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil
18 rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
19 Judge pursuant to Local Rule 72-302(c)(21).

20 On October 26, 2005, the magistrate judge filed findings and recommendations
21 herein which were served on plaintiff and which contained notice to plaintiff that any objections
22 to the findings and recommendations were to be filed within ten days. Plaintiff has not filed
23 objections to the findings and recommendations.

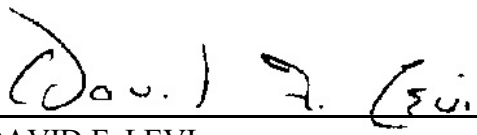
24 The court has reviewed the file and finds the findings and recommendations to be
25 supported by the record and by the magistrate judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 26, 2005, are adopted in full;
2. Defendants' motion for summary judgment is granted; and
3. The Clerk of the Court is directed to enter judgment and close this file.

DATED: 1/31/2006



DAVID F. LEVI
United States District Judge